MYSORE LEGISLATIVE COUNCIL

(Thirty-Fourth Session 1973)

The Mysore Sales Tax (Amendment) Bill, 1973

(L. A. Bill No. 22 of 73)

(As Passed by the Legislative Assembly)

A Bill further to amend the Mysore Sales Tax Act, 1957.

Whereas it is expedient further to amend the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957) for the purposes hereinafter appearing ;

Be it enacted by the Mysore State Legislature in the Twenty-fourth Year of the Republic of India as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Mysore Salec Tax (Amendment) Act, 1973.

(2) It shall come into force on the 1st day of April, 1973.

2. **Amendment of Section 5.**—In section 5 of the Mysore Sales Tax Act, 1957 (Mysore Act 25 of 1957) (hereinafter referred to as the Principal Act).—

(i) in the proviso to sub-section (1), the word "paddy" shall be omitted ;

(2) in the proviso to sub-section (4),—

(a) for the words " the tax paid under this Act", the words, brackets and figures "and tax has been paid un er the Central Sales Tax Act, 1956 (Central Act 74 of 1956) in respect o the sale of such goods in the course of Inter-State trade or commerce, the tax paid under this Act" shall be and shall be deemed always to have been substituted ;

(b) for the words "shall be refunded to such person", the words " shall be reimbursed to the person making such sale in the course of Inter-State trade or commerce" shall be substituted.

3. **Amendment of the Second Schedule.**—In the Second Schedule to the principal Act—

(1) the entry relating to serial number 25 shall be omitted ;

(2) after the entry relating to serial number 115, the following entries shall be added, namely :—

"116.	"Poultry feed" and "cattle feed" *i.e.*, processed commodity sold as "poultry feed" and "cattle feed"	...	Two per cent
117.	Insecticides and Pesticides	...	Two per cent
118.	Containers other than gunnies	...	Four per cent

119.	Fuel gas, such as burshane, calgas, indane and the like	...	Four per cent
120.	Aluminium ingots	...	Six per cent
121.	Industrial gas, such as oxygen, acetylene. nitrogen and the like	...	Six per cent
122.	Copper, bronze and brass utensils	...	Six per cent
123.	Footwear	...	Four per cent
124.	Tractor-trailers	...	Six per cent
125.	All kinds of paper including carbon paper but excluding paper falling under serial number 55	...	Six per cent
126.	Pressure cookers, their parts and accessories	...	Six per cent
127.	Water meters	...	Six per cent
128.	Aerated water	...	Six per cent
129.	Linoleum	...	Six per cent"

4. Amendment of the Third Schedule.—In the Third Schedule to the principal Act,—

(1) after the entry relating to serial No. 4, the following entry shall be inserted, namely :—

"4a	Cardamom	Purchase by the first or earliest of the successive dealers in the State liable to tax under this Act.	Three per cent";

(2) after the entry relating to serial No. 13, the following entry shall be inserted, namely :—

"13a	Shrimps, prawns and lobsters.	Purchase by the last dealer in the State liable to tax under this Act.	Four per cent

5. Amendment of the Fourth Schedule.—In the Fourth Schedule to the principal Act,—

(1) for the entry in column 2 of serial No. 1, the following entry shall be and shall be deemed always to have been substituted, namely:—

"Coal including coke in all its forms, but excluding charcoal :

Provided that during the period commencing on the 23rd day of February, 1967 and ending with the 1st day of April 1973 this entry shall have effect subject to the modification that the words 'but excluding charcoal' shall be omitted.";

(2) for the entry in column 2 of serial No. 2, the following entry shall be substituted, namely :—

"Iron and steel, that is to say—

(i) pig iron and cast iron including ingot moulds, bottom plates, iron scrap, cast iron scrap, runner scrap and iron skull scrap ;

(ii) steel semis (ingots, slabs, blooms and billets of all qualities, shapes and sizes) ;

(iii) Skelp bars, tin bars, sheet bars, hoe—bars and sleeper bars ;

(iv) steel bars (rounds, rods, squares, flats, octagons and hexagons, plain and ribbed or twisted, in coil form as well as straight lengths) ;

(v) steel structurals (angles, joists, channels, tees, sheet piling sections, Z sections or any other rolled sections);

(vi) sheets, hoops, strips and skelp, both black and galvanised, hot and cold rolled, plain and corrugated, in all qualities, in straight lengths and in coil form, as rolled and in rivetted condition ;

(vii) plates both plain and chequered in all qualities ;

(viii) discs, rings, forgings and steel castings ;

(ix) tool, alloy and special steels of any of the above categories;

(x) steel melting scrap in all forms including steel skull, turnings and borings ;

(xi) steel tubes, both welded and seamless, of all diameters and lengths, including tube fittings ;

(xii) tin-plates, both hot dipped and electrolytic and tinfree plates ;

(xiii) fish plate bars, bearing plate bars, crossing sleeper bars, fish plates, bearing plates, crossing sleepers and pressed steel sleepers, rail-heavy and light crane rails ;

(xiv) wheels, tyres, axles and wheel sets ;

(xv) wire rods and wires—rolled, drawn, galvanised, aluminised, tinned or coated such as by copper ;

(xvi) defectives, rejects, cuttings or end pieces of any of the above categories.";

(3) in column 2 of serial No. 4, for the words "hibiscus cannapinus and hibiscus saldarifavar altissima" the words "Hibicus cannabinus and Hibicus sabdariffa-Var altissima and the fibre known as Sunn or sunnhemp extracted from plants of the species Crotalaria juncea" shall be substituted ;

(4) in column 2 of serial No. 5

(a) in item (a)—

(i) after the words "groundnut seeds" the word "peanut" shall be inserted ;

(ii) for the words and brackets "and copra, till (gingelly)", the brackets, letters and words "(i.e. copra excluding tender coconuts), sesamum or til (gingelly)" shall be substituted ;

(ii) after the words and brackets "kusum (kardi) seeds", the word "Safflower" shall be inserted ;

(b) in item (b)—

(i) the word "cardamom" shall be omitted ;

(ii) for the words "honge seeds and neem seeds" the words "Karanja, Pongam, Honga seeds and neam or vepa seeds" shall be substituted ;

(c) in item (d), for the existing entry, the following shall be substituted, namely :—

"Other oil seeds, that is to say,—Soyabean, Rapeseed and Mustard (Toria, Ragi, Jamba, Taramira, Sarson, yellow and brown, Banarsi Rai or True Mustard), Linseed, Sun flower, Mahua, Illupai, Ippe, Punna, Undi, Kokum, Sal, Tung and Red Palm."

6. **Amendment of the Fifth Schedule.**–In the Fifth Schedule to the principal Act,—

(1) in the entry relating to serial No. 38A, after the words "**Raw Silk**", the words "thrown silk or twisted silk" shall be inserted ;

(2) after the entry relating to serial No. 43, the following entry shall be inserted, namely :—

"44. Paddy."

Te. HANUMANTHAPPA,
Secretary.

STATEMENT OF OBJECTS AND REASONS

(As appended at the time of Introduction the Bill)

Sections 14 and 15 of the Central Sales Tax Act, 1956 which have a bearing upon sub-section (4) of section 5 of and the Fourth Schedule to the Mysore Sales Tax Act 1957 have been amended by the Central Sales Tax (Amendment) Act, 1972 (Central Act No. 61 of 1972). The gist of the amendments is :—

(1) items which are considered as coming within the scope of iron and steel and oilseeds which are declared goods have been exhaustively enumerated ;

(2) Charcoal is excluded from the purview of coal ;

(3) the refund of the State tax paid in respect of declared goods which are subsequently sold in the course of Inter-State trade have been made subject to the payment of sales tax on the Inter-State sale.

Sub-section (4) of section 5 and the Fourth Schedule of the Mysore Sales Tax Act 1956 have to be suitably modified to bring them in conformity with the amended provisions of sections 14 and 15 of the Central Sales Tax Act 1956. It is proposed to bring into effect the proposed amendment with effect from 1st April 1973, the date on which the amendments to the Central Sales Tax Act 1956 will come into force.

Amendments consequential to the proposals made in the budget speech are also included.

Hence the Bill.

M. Y. GHORPADE.

EXTRACT FROM THE MYSORE SALES TAX ACT, 1957.

(Mysore Act 25 of 1957)

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5. Levy of tax on sale or purchase of goods-—

(1) Every dealer shall pay for each year tax on his taxable turnover at the rate of three and a half per cent of such turnover :

Provided further that if and to the extent to which such turnover relates to gur, pulses including tur dhals, flour and husks, wheat (including aatta, maida, soji and bran). paddy rice (including parched rice and beaten rice and bran) ragi, jola maize, bajra, navane, samey

(ಸಾಮಿ), and gunny bags and bardans (including batars) and hessian cloth, the tax shall be calculated at the rate of one and a half per cent of such turnover.

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(4) Notwithstanding anything contained in sub-section (1) a tax under this Act shall be levied in respect of the sale or purchase of any of the declared goods mentioned in column (2) of the Fourth Schedule at the rate and only at the point specified in the corresponding entries of columns (1) and (3) of the said Schedule on the dealer liable to tax under this Act on his taxable turnover of sales or purchases in each year relating to such goods :

Provided that where tax has been paid in respect of the sale or purchase of any of the declared goods under this sub-section and such goods are subsequently sold in the course of inter-State trade or commerce, the tax paid under this Act shall be refunded to such person in such manner and subject to such condition as may be prescribed.

Explanation.—The expression "declared goods" means goods declared under section 14 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), to be of special importance in Inter-State trade or commerce.

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SECOND SCHEDULE

Goods on the sale of which a single point tax is leviable on the first or earliest of successive dealers in the State under section 5 (3) (a).

Sl. No.	Description of the goods	Rate of tax
1	2	3
25	Thrown silk ...	Two per sent
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FOURTH SCHEDULE

Declared goods in respect of which a single point tax is leviable under section 5 (4)

Sl. No.	*Description of the goods*	*Point of levy*	*Rate of tax*
1	2	3	4
1.	Coal including Coke in all its forms	Sale by the first or earliest of successive dealers in the State liable to tax under this Act.	Three per cent.
2.	Iron and steel, that is to say:—		
	(*a*) Pig iron and iron scrap;		
	(*b*) Iron plates sold in the same from in which they are directly produced by the rolling mill;	Sale by the first or earleist of successive dealer in the State liable to tax under this Act.	Three per cent
	(*c*) Steel scrap, steel ingots, steel billets, steel bars and rods.		
	(*d*) (i) Steel plates; (ii) Steel sheets; (iii) Steel bars and tin bars; (iv) rolled steel sections; (v) tool alloy steel. — Sold in the same form in which they are directly produced by the rolling mill.		
	* * * * *		

1	2	3	4
4.	Jute, that is to say, the fibre extracted from plants belonging to the species corchorus capsularises and corchorus olitorious and the fibre known as mesta or bimli extracted from plants of the species hibiscus cannapinus and hibiscus saldarifavar altissima, whether baled or otherwise.	Sale by the first or earliest of successive dealers in the State liable to tax under this Act.	Three per cent
5.	(*a*) Groundnut including groundnut seeds, coconut and copra, til (gingelly) seeds, kusum (kardi) seeds and nigar (Ramatil).	Purchase by the first or earliest of the successive dealers in the State liable to tax under this Act.	Two per cent
	(*b*) Cardamom, castor seeds, honge seeds and neem seeds.	Purchase by the first or earliest of the successive dealers in State liable to tax under this Act.	Three per cent
	(*d*) Other oil seeds, that is to say, seeds other than those mentioned in sub-items (a), (b) and (c) yielding non-volatile oils used for human consumption, or in industry or in the manufacture of varnishes, soaps and the like, or in lubrication and volatile oils used chiefly in medicines, perfumes, cosmetics and the like.	Sal by the first or earliest of successive dealers in the State liable to tax under this Act.	Three per cent

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FIFTH SCHEDULE

Goods Exempted from Tax under Section 8

Sl. No.	Description of the goods.
*	* * * *
8-A.	Raw Silk;
*	* * * *

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